

**SUPREME COURT MINUTES
THURSDAY, AUGUST 24, 2000
SAN FRANCISCO, CALIFORNIA**

S008621 The People, Plaintiff and Respondent,
 v.
 Manuel Mendoza, Defendant and Appellant.
 The judgment is affirmed.

Kennard, J.

We Concur:
George, C.J.
Mosk, J.
Baxter, J.
Werdegarr, J.
Chin, J.
Brown, J.

S074261 Barry Johnson, Plaintiff and Appellant,
 v.
 City of Loma Linda et al., Defendants and Respondents.
 The judgment of the Court of Appeal is affirmed.

Kennard, J.

We Concur:
George, C.J.
Mosk, J.
Baxter, J.
Chin, J.
Brown, J.

Concurring Opinion by Werdegarr, J.

S075942 Marybeth Armendariz et al., Plaintiffs and Respondents,
v.
Foundation Health Psychcare Services, Inc.,
Defendant and Appellant.

The judgment of the Court of Appeal upholding the employer's petition to compel arbitration is reversed, and the cause is remanded to the Court of Appeal with directions to affirm the judgment of the trial court.

Mosk, J.

We Concur:

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Concurring Opinion by Brown, J.

I Concur:

Chin, J.

S089203 In re Louis E. Sorter
on
Habeas Corpus

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S090544 In re Emilio V. Hernandez
on
Habeas Corpus

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

- A085983/S089879 In re the Marriage of Kathleen and Kirk Lebsock; Kathleen Buder v. Kirk L. Lebsock – October 1, 2000.
- A086394/S089743 Sylvia J. Wasson v. Sonoma County Junior College District et al. – October 8, 2000.
- B119940/S089679 People v. Johnny Ramirez Pardo et al. – October 9, 2000.
- B131181/S089687 People v. Michael Anthony Wilson – October 3, 2000.
- B131718/S089661 People v. Luis Martin Hernandez – October 9, 2000.
- B133952/S089733 In re Randy G., a Person Coming Under the Juvenile Court Law; People v. Randy G. – October 8, 2000.
- B139533/S089247 People v. Joe Anthony Powell – October 8, 2000.
- B141636/S089885 Delta Airlines Incor v. Workers' Compensation Appeals Board – October 12, 2000.
- B141799/S089742 Edmund C. Olson v. Los Angeles County Superior Court; J. Blair Pence II, RPI – October 8, 2000.
- C031844/S089664 People v. Robert L. Russell – October 5, 2000.
- D033168/S089805 Michael Alan Calhoon v. Alan Lewis – October 10, 2000.
- E024208/S089767 People v. Maurice Tillman – October 8, 2000.
- E024437/S089795 Northland Insurance Company v. Daniel Briones, Jr. – October 10, 2000.
- E024743/S089221 Warren T. Finley, as Trustee, etc. et al. v. Orange County Superior Court; Third Laguna Hills Mutual et al., RPIs – October 8, 2000.

E024942/S089729 People v. Michael Allen Leahy; In re Michael Allen Leahy on Habeas Corpus – October 8, 2000.

G021971/S089765 People v. Robert Wayne Biesterfeld – October 9, 2000.

G024967/S089614 People v. Keith Maurice Wroten – October 1, 2000.

G027255/S089771 Alaska Airline v. Workers' Compensation Appeals Board – October 8, 2000.

H019398/S089640 People v. Jeffrey James Macredes – October 3, 2000.

H021393/S090034 George Anthony Maciel v. Santa Clara County Superior Court; Heather Walker, RPI – October 3, 2000.

S085213 In re Arturo D., a Person Coming Under the Juvenile Court Law

People, Respondent

v.

Arturo D., Appellant

Due to clerical error, and good cause appearing, it is ordered that the order filed on August 3, 2000, is hereby amended.

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including August 29, 2000.

S088632 Eva Camargo et al., Appellants

v.

Tjaarda Dairy et al., Respondents

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's opening brief on the merits is extended to and including September 25, 2000.

No further extensions will be granted.

S086518 Dart Industries, Inc., Respondent

v.

Commercial Union Insurance et al., Appellants

On application of appellant Commercial Union Insurance and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including September 21, 2000.

S087859 Marc Kasky, Appellant

v.

Nike Inc. et al., Respondents

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondents' answer brief on the merits is extended to and including September 20, 2000.

S085088 Friends of Sierra Madre et al., Appellants

v.

City of Sierra Madre et al., Respondents

Upon application and good cause having been shown, permission is hereby granted for the National Trust for Historic Preservation to join in the amicus curiae brief of the California Preservation Foundation.

S080610 Gerawan Farming, Appellant

v.

Ann M. Veneman et al., Respondents

The request of counsel for respondents in the above-referenced cause to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.

S080610 Gerawan Farming, Appellant

v.

Ann M. Veneman et al., Respondents

The request of respondents to allocate to amicus curiae California Asparagus Commission 10 minutes of respondents 30-minute allotted time for oral argument is granted.

- S082261 Gilbert Dreyfuss et al., Appellants
 v.
 Union Bank of California, Respondent
 The request of counsel for respondent in the above-referenced
 cause to allow two counsel to argue on behalf of respondent at oral
 argument is hereby granted.
- S082261 Gilbert Dreyfuss et al., Appellants
 v.
 Union Bank of California, Respondent
 The request of respondent to allocate to amicus curiae California
 Bankers' Assn. 10 minutes of respondent's 30-minute allotted time
 for oral argument is granted.
- S090672 Senator, Petitioner
 v.
 Gordon, as Warden, Respondent
 People, Real Party in Interest
 The above entitled matter is transferred to the Court of Appeal,
 Third Appellate District.
- S090771 Joseph Leonard Neufeld, Petitioner
 v.
 Sonoma County Superior Court, Respondent
 People, Real Party in Interest
 The above entitled matter is transferred to the Court of Appeal,
 First District.
- S090849 Mark W. Hafen, Petitioner
 v.
 Board of Prison Terms, Respondent
 The above entitled matter is transferred to the Court of Appeal,
 Third Appellate District.
- Bar In the Matter of the Application of the Committee of Bar Examiners
Misc. of the State of California for Admission of Attorneys
4186 The written motion of the Committee of Bar Examiners that the
 following named applicants, who have fulfilled the requirements for
 admission to practice law in the State of California, be admitted to

the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S088840

In re **Lawrence Allen Grigsby** on Discipline

It is hereby ordered that **Lawrence Allen Grigsby, State Bar No. 106819**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088845

In re **Monday U. Abengowe** on Discipline

It is hereby ordered that **Monday U. Abengowe, State Bar No. 143986**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088846

In re **Mitchell K. Jayson** on Discipline

It is hereby ordered that **Mitchell K. Jayson, State Bar No. 108416**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088876

In re **Jeffrey Steven Nelson** on Discipline

It is ordered that **Jeffrey Steven Nelson, State Bar No. 149494**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney

Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 20 months. Credit towards the period of actual suspension shall be given for the period of interim suspension which commenced on July 30, 1998 (*In re Young* (1989) 49 Cal.3d 257, 270.) If he is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. **Jeffrey Steven Nelson** is further is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 27, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2001, 2002, and 2003.. (Bus. & Prof. Code section 6086.10.)

S088996 In re **David A. Dobbs** on Discipline

It is hereby ordered that **David A. Dobbs, State Bar No. 130931**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088998 In re **Larry James Bryant** on Discipline

It is ordered that **Larry James Bryant, State Bar No. 80908**, be suspended from the practice of law for three years, that execution of suspension be stayed, and that he shall be actually suspended from the practice of law for two years and until he attends that State Bar Ethics School and takes and passes the test given at the end of such session; and until he makes restitution to Charles Alpert (or the Client Security Fund, if appropriate) in the amount of \$1,620.00, plus 10% interest per annum from April 1, 1994; to the New England Mutual Life Insurance Company (or the Client Security

Fund, if appropriate) in the amount of \$4,000.00, plus 10% interest per annum from June 15, 1994; to Patrick John Green (or the Client Security Fund, if appropriate) in the amount of \$3,355.00, plus 10% interest per annum from June 15, 1994, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed November 2, 1999, as amended by its Amendment to Decision filed April 14, 2000; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205, Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7 (as amended effective January 1, 1997).

*See Business and Professions Code section 6126, subdivision (c).

S088999 In re **Robert Jay Barth** on Discipline

It is hereby ordered that **Robert Jay Barth, State Bar No. 75776**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S089000 In re **Bradley Alan Arnold** on Discipline

It is ordered that **Bradley Alan Arnold, State Bar No. 93085**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation on April 17, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third thereof shall be added to and become part of the membership fees for the calendar years 2001, 2002 and 2003, respectively. (Bus. & Prof. Code section 6086.10.)

S089054 In re **Andre Keith Silvola** on Discipline

It is ordered that **Andre Keith Silvola, State Bar No. 109154**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 15, 2000, as modified by its order filed May 9, 2000. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S089056 In re **Marcello Mario Dimauro** on Discipline

It is ordered that **Marcello Mario Dimauro, State Bar No. 59302**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for

30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 29, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S089060 In re **Tony Rodriguez** on Discipline

It is ordered that **Tony Rodriguez, State Bar No. 102882**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 18 months. **Tony Rodriguez** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 24, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for years 2002, 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S089091 In re **Lincoln N. Mintz** on Discipline

It is hereby ordered that **Lincoln N. Mintz, State Bar No. 37610**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S089092 In re **Alan Rubinstein** on Discipline

It is ordered that **Alan Rubinstein, State Bar No. 93371**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 23, 2000, as modified by its order filed April 25, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S090348 In the Matter of the Resignation of **David Byron Hatch**
A Member of the State Bar of California

The voluntary resignation of **David Byron Hatch, State Bar No. 68180**, as a member of the State Bar of California is accepted.

S090349 In the Matter of the Resignation of **Mary Elizabeth Galbreath**
A Member of the State Bar of California

The voluntary resignation of **Mary Elizabeth Galbreath, State Bar No. 170356**, as a member of the State Bar of California is accepted.

S090371 In the Matter of the Resignation of **Barbara A. Bamford**
A Member of the State Bar of California

The voluntary resignation of **Barbara A. Bamford, State Bar No. 49257**, as a member of the State Bar of California is accepted.

S090374 In the Matter of the Resignation of **Valerie H. Wulf**
A Member of the State Bar of California

The voluntary resignation of **Valerie H. Wulf, State Bar No. 174996**, as a member of the State Bar of California is accepted.

- S090375 In the Matter of the Resignation of **John Gerard Quigley**
A Member of the State Bar of California
The voluntary resignation of **John Gerard Quigley, State Bar No. 96610**, as a member of the State Bar of California is accepted.
- S090378 In the Matter of the Resignation of **Diana Marie Plamondon**
A Member of the State Bar of California
The voluntary resignation of **Diana Marie Plamondon, State Bar No. 173476**, as a member of the State Bar of California is accepted.
- S090379 In the Matter of the Resignation of
Deane Everdon McCormick, Jr.
A Member of the State Bar of California
The voluntary resignation of **Deane Everdon McCormick, Jr., State Bar No. 49171**, as a member of the State Bar of California is accepted.
- S090909 In the Matter of the Resignation of **Lindsay Wellman**
A Member of the State Bar of California
The voluntary resignation of **Lindsay Wellman, State Bar No. 73122**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)
- S090914 In the Matter of the Resignation of **Francis Leonard Gill**
A Member of the State Bar of California
The voluntary resignation of **Francis Leonard Gill, State Bar No. 112768** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. Costs are awarded to the State Bar.